

**Before an Independent Commissioner appointed by Timaru District Council**

**IN THE MATTER** of the Resource Management Act 1991 ('Act')

AND

**IN THE MATTER** of an application under section 88 of the Act for resource consent to operate a roofing business and for the storage of materials associated with that business at 19-27 Cornwall Street, Timaru

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**STATEMENT OF EVIDENCE OF GEMMA CONLON-GEDDES FOR  
EDWARD AND HARDY ROOFING DEPOT**

**PLANNING**

**Dated: 29 September 2023**

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## **EXECUTIVE SUMMARY**

- 1 It is my opinion that the application to operate a roofing business and for the storage of materials associated with that business should be granted.
- 2 I disagree with the conclusions of the S42A Report and that the activity is contrary to the objectives and policies of the ODP, for the following reasons:
  - 2.1 Commercial activities are permitted in the zone. The proposal will not create adverse effects that are more than minor and/or that cannot be mitigated.
  - 2.2 The activities are consistent with the Part D – Commercial Zone relevant activities.
  - 2.3 Consenting the application will not create precedent or undermine the integrity of the Commercial 3 Zone.
  - 2.4 The proposal is acceptable having regard to all matters under s104 of the Act.
  - 2.5 The proposal achieves both gateway tests in s104D of the Act.
  - 2.6 The proposal achieves the purpose and principles in Part 2 of the Act.
- 3 I have included a draft set of conditions, should consent be granted.

## INTRODUCTION

- 4 My name is Gemma Conlon-Geddes. I am a Director and Independent Planning Consultant at Perspective Consulting Limited, a resource management planning consultancy based in Timaru.
- 5 I hold a Bachelor of Science (Honours) degree in Environmental Planning and a Post-Graduate Diploma in Town and Country Planning from the Queen's University of Belfast, Northern Ireland and a Diploma in Environmental Resource Management from Dublin Institute of Technology. I am a Chartered Town Planner with the Royal Town Planning Institute and an Associate Member of the New Zealand Planning Institute.
- 6 I have over 23 years' experience as a resource management planner, working in local government and as a private consultant in Ireland, Australia and New Zealand. I worked for Timaru District Council for approximately eight years as a Senior Planner and latterly as Team Leader: Planning. This role gave me vast experience in a range of land use and subdivision development for industrial, commercial, retail and residential activities.
- 7 I have been a director of Perspective Consulting for approximately five years. During this time, I have worked on behalf of local government and for private developers on a range of resource management projects.
- 8 Relevant to this matter, I have experience in processing resource consent applications including preparing section 42A reports and attending resource consent hearings for district councils. As a consultant planner I have experience in evaluating development projects, preparing resource consent applications and presenting evidence at council resource consent and plan change hearings.
- 9 I have read and agree to comply with the Code of Conduct for Expert Witnesses contained in the *Environment Court of New Zealand Practice Note 2014*. I confirm that the issues addressed in this brief of evidence are within my area of expertise (except where stated), and I have not omitted to consider material facts known to me that might alter or detract from the opinions expressed.
- 10 In preparing my evidence, I have reviewed the Section 42A report ('S42A') prepared by Vishal Chandra, Consultant Planner and the Memo prepared by Kevin Kemp, Infrastructure Planner and I have read the submissions received. I have also referred to the Resource Management Act, relevant National Policy Statements, and district plans.

## SCOPE OF EVIDENCE

- 11 I have structured my evidence to largely follow the format of S42A Report as follows:
  - a. Proposal Description
  - b. Background and Involvement
  - c. Planning Framework
  - d. Notification and Submissions
  - e. Actual and Potential Environmental Effects
  - f. Relevant Statutory Documents
  - g. Other Matters
  - h. Gateway Test
  - i. Part 2 Matters
  - j. Conclusion

## PROPOSAL DESCRIPTION

- 12 Section 2 of the S42A report provides a description of the proposal. Aspects of this description are inaccurate as it does not address the amendments made to the application during the course of the process in response to consultation with neighbours and submissions. The application has been amended as follows:
- 12.1 The shipping container has been removed from the site.
- 12.2 Clarity was provided on the permitted activities that have been undertaken at the property, including:
- (a) The storage of material
  - (b) The erection of a boundary fence
  - (c) The upgrades to the existing building
  - (d) Planting within and around the perimeter of the site
- 12.3 There will be no more deliveries to the site by heavy goods vehicles. Instead, the company's own trucks (ute's) and trailers will collect materials off-site and bring them back to the site (photos of vehicles attached as **Appendix 1**).
- 12.4 Office hours from 7am, with no use of the forklift or loading before 7.30am.
- 12.5 To undertake landscaping along the boundaries of the site, as shown in the Site Plan.
- 13 Additionally, an Activity Management Plan was prepared for consultation with the neighbours. This includes procedures designed to assist in achieving compliance with the relevant standards of the District Plan and to minimise any adverse effects. The Activity Management Plan is included as **Appendix 2**.
- 14 As such, the proposal activity can more accurately be described as the storage of materials for a roofing company, including ancillary office use. The activity will have the following operational requirements:
- Hours of Operation are between 7.00am – 6.00pm, Monday to Friday.
  - Up to 10-12 people will be employed by the business. Two people will be office based, while the others generally turn up to the site in the morning, collect their vehicle and materials and return to the site in the evening.
  - Use of the office on the site is not restricted to the above hours provided any associated noise is maintained at background levels.
  - There will be a maximum of 4-6 vehicles stored at the property at any one time.
  - There will be no Class 2 heavy vehicles stored on the site as part of the activity.
  - All vehicles will be maintained in good mechanical condition (using off-site service providers) to ensure the minimisation of noise and emissions.

- Customers are not to visit the site to collect materials.

## BACKGROUND AND INVOLVEMENT

- 11 Edwards and Hardy ('the Applicants') initially contacted Timaru District Council ('Council') prior to the purchase of the property to seek advice on their intention to set up their business at the property. The initial email correspondence dates to 26 November 2020.
- 12 The Applicants met the Team Leader Planning and another planner on 3 December 2020 to outline their proposal and to discuss the requirements for obtaining a resource consent. The Applicant was requested to prepare a site plan indicating the location of the activities, distances from boundaries and building heights. This was sent to Council on the 15 December 2020, at which point the planner advised they had everything they needed for the Applicant to make an application.
- 13 On 18 January 2021 the planner sent through a Form 9 for the Applicants to complete and send back. The application was officially accepted on 28 January 2021. Although unorthodox, the application for resource consent was accepted without an Assessment of Environmental Effects prepared in accordance with Schedule 4 of the Resource Management Act 1991 ('the Act').
- 14 A set of draft conditions (attached as **Appendix 3**) was sent to the Applicants on 25 February 2021, providing a strong indication to the Applicants that Council was minded to granting consent for the proposed activity. However, the Planner advised that the application would be placed on hold until the services consent for stormwater approval was completed.
- 15 The decision to place the application on hold for a services consent approval is ultra vires. The proposed conditions 18 and 19 specifically addressed the requirement for stormwater, and the consent could have been issued without this delay.
- 16 In the interim, and to avoid delays, the Applicants began to undertake some of the work stipulated by the draft conditions, such as the creation of a new vehicle crossing, undertaking the stormwater and drainage requirements, demolition of a building on the site. I note none of these works require resource consent and could be undertaken without the grant of the application.
- 17 It is understood that while the application was placed on-hold the Team Leader and the planner that the Applicants had been dealing with left the Council.
- 18 On 4 May 2022 the Applicant received an email from the Council's Compliance Officer advising that the activities being undertaken on-site are non-compliant, and that a complaint had been received by a neighbour.
- 19 The Applicants then met with the new Council's Team Leader on-site on 14 June 2022 to discuss the background of the consent process and a way forward. The Team Leader suggested that the Applicants engage a planning consultant to prepare an Assessment of Environmental Effects ('AEE') and to further the application process.
- 20 The Applicants engaged Perspective Consulting Limited to prepare the AEE, which was submitted to Council on 29 July 2022. Following the AEE being lodged no correspondence or communication was received from Council until a decision to publicly notify the application was made on 7 October 2022, well over the 20 day statutory time limit to make a notification decision. Council gave no opportunity to discuss any matters of concern prior to the

notification decision being made, which was surprising given the history of the project. This was irrespective of emails being sent to the processing planner asking to engage throughout the process.

- 21 Once the notification decision was made, there was little option but to proceed with notification or withdraw an application. The Applicants were very reluctant to do the latter as they had incurred significant costs upgrading the site to that date on the understanding that consent would be forthcoming. The upgrades were permitted works such as upgrading the vehicle crossing, putting a new roof and guttering on the building, erecting new fencing around the perimeter of the site, laying down a foundation pad, and landscaping. Notwithstanding, this was at considerable cost especially if the business could not operate at the premises.
- 22 As an option, I sought the Team Leaders opinion on whether Council would support a fresh application that addresses the matters of concern raised in the notification decision. This option was not supported. In an email dated 16 November 2022, I therefore outlined various comments and assertions made in the notification report which were, in my opinion, incorrect or inaccurate and which could have an influence on Councils decision with how to proceed. This email is attached as **Appendix 4**. This email was not responded to.
- 23 Subsequent follow-ups and requests with the Team Leader eventually led to the notification decision being peer reviewed by an external planning consultant, Vishal Chandra. On 17 March 2023, six months following the email request, I was notified that the external reviewer supported the s95 Notification Decision to publicly notify the application (see **Appendix 5**).
- 24 Following receipt of this decision and in lieu of the significant investment the Applicants had made in redeveloping the property, the Applicants proceeded with the notification of the application.

## **NOTIFICATION AND SUBMISSIONS**

- 25 The application has gone through the public notification process. The notification drew two submissions relating to out of zone activities, vehicle movements, complaints procedures and the effect on property values.
- 26 Prior to close of submissions, the Applicant obtained affected party approval from the following persons, which indicates overwhelming support for the proposal:
  - Grant Faith, 17 Cornwall Street
  - Martin Heremaia, 5 Somerset Street
  - Manorma Marsden, 2 Gloucester Street
  - Michael & Carmel Harrington, 18 Cornwall Street
  - Sam Hopkins, 28 Cornwall Street
  - Aaron Daois, 29 Cornwall Street
  - Philip & Melanie Westerby, 30 Cornwall Street
  - Murphy Ihe, 11 Cornwall Street



*Figure 1: Subject property shaded blue; Property owner/occupiers who have provided their written approval shaded yellow; Submissions received from property owners/occupiers outlined red.*

- 27 Following close of submissions, on 16 June 2023 I sent an email to Council requesting a pre-hearing meeting with the applicant and the two submitters for the purpose of resolving some of the issues raised by the submitters. This request was ignored until 2 August 2023 when an email reply was sent advising that a pre-hearing meeting is not supported. There was no explanation given for this decision and in my experience, the decision to decline a request for a pre-hearing meeting is unprecedented.
- 28 The decision to decline the request for a pre-hearing meeting has removed an opportunity for the applicant to engage with submitters to try and resolve the issues. Accordingly, we consider that Council have not run a fair process. Providing no explanation of their decision to refuse the pre-hearing meeting also means their process has not been transparent. I consider that these matters contravene the principles of natural justice and may indicate an element of pre-determination from Council officers. It has also resulted in further time delays and cost to the Applicants (See **Appendix 6**).

## **Actual and Potential Environmental Effects**

- 29 The following assessment follows the format of the S42A Report.

### **Permitted baseline and Existing Environment**

- 30 The permitted baseline is addressed at Section 9.0 and 9.2 of the S42A Report. It identifies that commercial uses and associated office space and storage space where the latter can be located outside and requires to be screened are permitted but concludes that a permitted baseline is of limited relevance to this application. It is understood from the reporting officer's \ comments that the nature of the proposed activity and the scale at which it will occupy the outdoor space is unanticipated in the Commercial 3 Zone.
- 31 I disagree. There are permitted activities listed in Section 3.5.8 (1) of the Operative Timaru District Plan ('ODP'). Of particular relevance are the following:
- Shops up to 300 square metres in retail floor area

- Consulting rooms for health practitioners
- Veterinary Clinics
- Banks
- Offices or studios
- Day care establishments

- 32 The outdoor storage of materials could occur with any one of the above permitted activities. The only requirement is that a fence is erected to screen the storage of materials from adjoining sites and the fence not be less than 2m in height.
- 33 Likewise, service and delivery vehicles would be required in association with any of the permitted activities. Staff parking within a parking bay is something that could occur in relation to any activity.
- 34 As the subject site consists of four individual properties and titles, the site could potentially be developed for a mix of any four of the above activities, without the need for resource consent. Any mix of permitted activities would result in buildings, hours of operation and traffic generation far exceeding those sought by the proposed activity.
- 35 The permitted baseline is therefore highly relevant to the assessment of the proposed activity.

#### **Positive effects**

- 36 I agree with the reporting officer that the proposal will provide for the economic wellbeing of the Applicants. The activity will also provide benefits to the local economy in the employment of local people.
- 37 Additionally, the positive effects include the redevelopment of a derelict site and unused buildings that utilise the public infrastructure and existing built form. The upgrades to the site provided a positive contribution to the streetscape, removing overgrown vegetation and creating activity in an otherwise disused block.

#### **Transportation and Stormwater**

- 38 The reporting officer provides an outline of a submission under the heading 'Transportation and Stormwater' at Section 9.3.1.1 of the S42A Report. It is unclear where these details have come from, as neither of the two submissions received contain the information described.
- 39 Mr Wade's submission mentions vehicle movements in relation to the associated noise of vehicles arriving, people getting out of vehicles, assembling and then leaving the site prior to 8am in the morning. The Chambers submission does not mention vehicle movements or associated effects.
- 40 The reporting officer proceeds to address all matters raised in the submissions under the following heading, '*Functionality of the Transport Network and Safety of Users and Vehicular Access, and Stormwater Flows*'. The reporting officer appears to have misconstrued the



submission made by Mr Wade and provided his own conjecture to deduce that it somehow relates to the transport network and stormwater flows.

- 41 An internal memo has been prepared by Council's Infrastructure Planner, Mr Kevin Kemp, which provides comment in relation to access, manoeuvring, traffic effects and stormwater generation. For clarity, I will address the matters specifically raised in Mr Wade's submission and then move on to those other matters raised by Mr Kemp and assessed by Mr Chandra.
- 42 As mentioned, Mr Wade's submission outlines concerns with noise disturbance due to vehicle movements to and from the site. I defer to the permitted baseline here and highlight that the four separate properties are zoned for commercial use which could generate traffic movements to and from the property at all hours of the day once compliance with the noise levels at the nearest residential zone boundary are met between 7am and 10pm on any day.
- 43 The commercial zoning of the properties provides an expectation there will be vehicle movements generated from permitted activities. Regardless of whether those vehicle movements are associated with a permitted activity or not, any adverse effects of those vehicle movements remain the same or similar.
- 44 There are on average 8 vehicles coming to the site in the morning and the same number leaving the site in the evening. Work vehicles are generally parked within the site. However, there are some employee's vehicles parked within the dedicated on-street parking area. It is a reasonable expectation that this parking area can be used in association with the business.
- 45 There is no congregation of personnel occurring in the public area outside the property or on Cornwall Street. The reporting officer has pointed out that any noise nuisance is likely to affect the adjoining site most, with written approval provided from these parties. I agree with this assessment.
- 46 In relation to heavy vehicle movements, the Applicant has advised there will not be any heavy vehicles used in association with the activity. Instead, the company's own trucks (Ute's) and trailers will collect materials off-site and bring them back to the property. This will further reduce any potential for noise generation as a result from traffic generation associated with the activity.
- 47 For these reasons, I am of the opinion that the noise associated with vehicle movements to and from the site will be consistent with the effects generated from permitted vehicle movements.
- 48 Moving on to Mr Kemp's memo, he firstly addresses the access and manoeuvring areas. The Applicant has acknowledged that a services consent will be required for the construction of the vehicle crossing and has since made an application. I have been advised that the crossing has been formed to an industrial standard by Fulton Hogan, one of Council's approved contractors.
- 49 Mr Kemp then comments on the requirement for the whole of the parking, loading and manoeuvring space within the site to be formed, sealed and drained. This is regardless of consent being sought not to form, seal and drain the site beyond what has already occurred. Mr Kemp further comments on the benefit of forming, sealing and draining the remainder of the parking, loading and manoeuvring area to limit the noise generated from the site. It is unclear what information or expertise Mr Kemp is relying on to make such an assertion in relation to noise.

- 50 Additionally, Mr Kemp recommends that deliveries by HGV's be completed after 9am to limit the noise potentially produced by the deliveries and to limit the effect produced by such noise. It is my understanding that Mr Kemp is not a noise expert, and these assertions and recommendations are not evidentially based. Activities within the Commercial 3 Zone are required to comply with Performance Standard 5.12 of the ODP which specifies noise levels are not to exceed 50 dBA L10 at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA L10 and 70 dBA L<sub>max</sub> at all other times. The introduction of a 9am start is not associated with the accepted daytime noise limits. Notwithstanding, the Reporting Officer is of the opinion that the full forming, sealing, and draining of the yard is not required, and I agree with this assessment. Additionally, I note that no HGV's are proposed to be used. As such, this recommendation is not agreed with.
- 51 Mr Kemp recommends that all staff parking, operational loading and unloading and deliveries are completed on-site, and that the road reserve recessed parking is for short-term visitor/customer parking and general public use. The Applicant's agrees that operational loading and unloading and deliveries will be undertaken within the site. However, the requirement for all staff parking to occur within the site is considered unreasonable. The on-street parking has been provided to service activities within the site and if staff cannot park their cars there, the parking area will effectively be redundant. This is a waste of resources and an unreasonable expectation.
- 52 In relation to vehicle movements, Mr Kemp advises that the traffic generation anticipated from the activity is suitable and will not create an unsafe traffic environment. However, Mr Kemp suggests that operational traffic movements be no greater than 30km/hr to create a safe road environment and reduce noise effects. These comments appear to be contradictory, and again the comment in relation to noise generation is not supported by evidence.
- 53 The Applicant advises that 8 vehicles on average come and go from the site daily, Monday to Friday. As mentioned, none of these vehicle movements involve heavy vehicles. Cornwall Street is classified as a Local Road under the ODP. Based on Waka Kotahi NZTA's road classification, a local roads main function is to provide access to adjacent properties, and they typically have traffic volumes below 1,000 vehicles per day. Council sets speed limits through their bylaws. All the roads that have a speed limit of 30 km/h are located in busy, active and town centres areas. The proposed activity will not generate traffic volumes such that the capacity of the local road will be undermined, nor will it generate vehicle movements that are incongruous to the receiving environment. I therefore consider there is no merit in applying an unwarranted burden on the Applicants of reducing and monitoring the speed limit of their vehicles, which will be in compliance with the accepted speed for this environment in any case. Notwithstanding, given the carriageway width of Cornwall Street is only 8m wide, which reduces to 4-6m if cars are parked on the side of the road, the speed of vehicles visiting the site is not likely to be above 30km/h. Vehicles visiting the site also have to slow down to enter the site, which further reduces their speed.
- 54 In relation to stormwater generation, Mr Kemp completed a brief assessment of stormwater generated by the proposed activity using Council's stormwater neutrality tool. These calculations utilise the existing development on the site (existing building, concrete driveway and shingle parking) compared to the previous established use (stated to be two buildings and the remainder being grassed) and indicate additional stormwater generation. Based on the increase in hardstand established on the site, and his recommendation for further surfacing Mr Kemp recommends a stormwater management system be established on site, subject to an engineered design and a building consent. As mentioned earlier, the increase in hardstand at the site is not required, and I therefore question the requirement for an

engineered stormwater design and building consent. It would be useful to have this clarified at the hearing.

### **Development Layout, Character and Amenity Values**

55 The Reporting Officer provides a summary of submitter concerns under this heading. It appears The Reporting Officer is introducing matters that have not been raised in the submissions and projecting his own opinions at this point. The subsequent assessment is therefore based on the Reporting Officer's own views and not an objective assessment of the submissions.

56 The Reporting Officer considers that the activity will introduce a noticeable change when compared with activities previously undertaken on the site and those present within the surrounding environment including those that are expected to occur in neighbourhood centres.

57 The activity is classified as an industrial activity, which is defined as,

*'The use of any premises or land used or proposed to be used for the production, processing, assembly, servicing, testing, repair and/or storage and warehousing of any materials, goods or products and also includes transportation facilities, and sales facilities that are a part of the industry.'*

58 I note that the activity does not produce, process, assemble, service, test or repair any materials. The site is merely used as a depot for the business, which includes the storage of their materials. The definition for industrial activities provides no reference to the scale of operations that fall within its scope and therefore creates a perception that the activity will be offensive to residential amenity.

59 In looking at the activity in more detail, and given the nature of proposal, the effects can be compared to permitted activities. If retail or other commercial uses were being undertaken, they would generate the need for storage, generate vehicle movements, noise, lighting and other such

60 If providing sales from the premises, the storage of the materials would be ancillary to the retail/commercial use and therefore permitted. It seems illogical that in order for the activity to be classified as permitted, extra activities need to be added, which would intensify the scale of use at the premises, and amplify adverse effects such as vehicle movements, noise and lighting.

61 I am therefore of the opinion that the activity is in keeping with the anticipated character of the Commercial 3 Zone.

62 Next the Reporting Officer discusses the erection of a 2m high coloursteel fence along the road boundary '*...where the site is essentially locked out physically and visually*'. I disagree with this assessment for the following reasons.

63 The Applicant erected the fencing along the boundary with Cornwall Street to provide screening into the site, in order to comply with Rule 5.7 which requires the storage of goods or materials to be screened from adjoining sites by a fence of not less than 2m in height. This requirement is for all activities in the Commercial 3 Zone. There is therefore no difference in this fence being erected for the proposed activity or for a permitted activity, the

visual effects are the same, and anticipated. Additionally, the fencing is comparable to everyday residential fencing, being a new and attractive Colorsteel material.

- 64 In relation to noise, the Reporting Officer notes that the perception of noise levels will likely be higher than present in residential zones and suburbs. I accept this to a certain extent but note that the site is zoned for commercial uses and the anticipated environmental outcomes are different to those of the residential zone. While the noise levels may differ to residential use in so far as perhaps occurring at different peak times, they will nonetheless be suitable for the wider residential environment within which they occur.
- 65 Lastly, the Reporting Officer discusses the operational change in relation to movements associated with deliveries, staff coming and going, and customers. I disagree that the proposed activity will introduce operational changes to the property that are not envisaged by the zoning. The subject site consists of four individual properties and titles and could feasibly be developed for a mix of any four or more permitted activities. Let's say a dairy, a laundromat and a vet clinic established at the property. Each of these would generate vehicle movements to and from the site, have different delivery schedules, have different opening times, create different customer demands etc. I find it difficult to reconcile how the proposed activity creates operational changes that are at the same scale to any of these permitted activities.
- 66 I accept that the activity is not ancillary or complimentary to residential activities. However, the activity is providing a service for the neighbourhood and district and its adverse effects have been managed so it will be compatible with residential activity. The property has been established for commercial purposes and its reuse is a sustainable utilisation of the existing resources available at the site. Additionally, the property has been upgraded significantly and turned from a derelict site to containing an active and pleasant business. The activity is little different to the plethora of residential houses that are used as base for tradesmen across the district.
- 67 For these reasons, I am of the opinion that the proposal is appropriate for this environment and does not create adverse effects on the character and amenity of the adjoining residential environment.

### **Other Effects**

#### *Reverse Sensitivity*

- 68 The Reporting Officer states reverse sensitivity effects are likely to arise from this proposal such as vehicle movements, staff and the business having no other complimentary uses. For the reasons already discussed earlier in this report, I do not agree with this assessment. I am of the opinion that the activities associated with the business integrate with and are the same as those permitted in this Commercial 3 Zone.

#### *Cumulative Effects*

- 69 Cumulative effects are discussed by the Reporting Officer. I do not agree with the Reporting Officer's finding that the proposal will result in cumulative effects.
- 70 To assess cumulative effects, we must first identify the degree of adverse effects that may arise from the proposed development and then consider these effects in conjunction with the effects of existing activities. The undertaking of an activity within a small and contained site are not likely to give rise to cumulative effects. Undertaking a business from a site zoned

for commercial uses does not bring about change, it is anticipated. As mentioned previously, the use of the site for one business significantly reduces the potential for traffic generation, deliveries, people at the property, such that there is no opportunity for cumulative effects to occur.

### *Precedent*

- 71 My understanding of precedent is that when a proposal for a discretionary or non-complying activity is granted, this may establish an expectation that other similar proposals will also be approved on the same basis. While every application should be considered on its own merits, the grant of consent can set in process a pattern of consenting that can ultimately lead to adverse effects on the environment. An adverse precedent can be avoided if a proposal has unique or unusual circumstances to differentiate it from the generality of other applications.
- 72 In this case, the activity is being proposed on a vacant Commercial 3 zoned property. I am not aware of other vacant Commercial 3 zoned properties within the district that could potentially encourage other businesses like this one to follow suit. However, I can reasonably estimate that the incidences and likelihood of this occurring would be very low if not non-existent.
- 73 Therefore, I disagree that the proposed activity could create a precedent and any adverse precedent effect of approving this application would be less than minor.

### **Conclusion**

- 72 In my opinion, and for the reasons set out above, I consider that the adverse effects will be less than more than minor.

## **RELEVANT STATUTORY DOCUMENTS**

- 73 There are a list of the relevant national environmental standards or regulation, national and regional policy statements, plans and proposed plans provided in the Reporting Officer's s42A Report. I agree with his assessment except in relation to the National Policy Statement on Urban Development (NPS-UD), ODP and PDP, which I will provide my own assessment as follows.

### **NPS-UD**

- 74 The NPS-UD came into force on 20 August 2020 and applies to all local authorities that have all or part of an urban environment within their district or region, i.e., this includes Timaru. In summary, the objectives of the NPS-UD can be described as:
- a. to ensure New Zealand has well-functioning urban environments,
  - b. to improve housing affordability,
  - c. to create mixed-use urban environments,
  - d. to provide diversity and resilience for communities,
  - e. to take account of the Treaty of Waitangi,
  - f. to provide integrated and responsive urban environments, and
  - g. to consider climate change and reduce emissions.
- 75 Planning decisions contribute to well-functioning urban environments, and in this particular case, the granting of this consent can enable a business and community service to be located in an urban environment which is serviced by existing infrastructure.
- 76 The ODP has not given effect to the NPS-UD, and therefore this site has not been identified for more intensive urban development than currently exists. The site has been identified for

residential use under the PDP. I suggest this rezoning was applied on the basis that the site was derelict and not overly attractive to commercial developers. However, now that there is commercial interest in the land, its commercial use can be supported by the NPS-UD.

- 77 Granting consent for the proposed activity does not circumvent the ability for the site to be used for residential purposes either now or in the future. There are no hazardous or incompatible activities being undertaken at the site which would impede residential activities. In fact, the development capacity at the property, which includes buildings up to 10m high, could easily accommodate a number of complementary activities, including residential.
- 78 For these reasons, I consider the proposal align with the intention of the NPS-UD.

### **Timaru Operative District Plan**

- 79 There are a number of objectives and policies outlined in the S42A Report. I will not repeat them here except in relation to those which I do not agree with the planner's assessment.

#### *Part B (8) – Roading*

- 80 The Reporting Officer mentions changes within the road corridor such as parking changes and no parking areas being identified. I do not see where these have been mentioned in the Infrastructure Planner's Memo and request this to be clarified at the hearing.
- 81 No doubts remain in relation to the intensity of vehicle movements, impact on the road or user conflict, as I have clarified earlier that there will be on average 8 vehicle movements to the site in the morning and 8 in the evening, no heavy vehicles will be used, and vehicles will be driven in accordance with the notified speed limits and receiving environment. For these reasons, the proposal is in accordance with the relative policies outlined at Part B (8).

#### *Part D – Commercial Zones*

- 82 The reporting officer comments that the proposal is not a commercial use, fails to integrate with the residential use and avoid potential conflict, and as such, is inconsistent with the relevant objectives and policies. I disagree with this assessment for the following reasons.
- 83 Objective 3.1.1.1. seeks to minimise situations where there is conflict between commercial activities and other land uses and Objective 3.1.1.2 seeks to mitigate any adverse effects. If we say the proposed use is a commercial activity for the purpose of applying these objectives, it can be reasonably said that there are limited conflicts arising between the proposed activity and the surrounding residential environment. The scale of the activity will be limited to what is approved under this consent, including the number of employees, operating hours, traffic movements etc to ensure that any potential adverse effects are mitigated.
- 81 Policy 3.1.2.3 allows for more permissive noise and light levels in commercial areas than provided for in Residential Zones while acknowledging that some restriction on noise levels is required where sensitive land uses share a boundary. The proposed activity will not create noise effects on the surrounding residential environment, and no night-time lighting is proposed, as the business will generally operate during daylight hours.
- 84 The activity will not produce any dust or odour emissions as a result of its operations, and nor will there be hazardous substances stored on-site. Therefore, the proposed accords with Policies 3.1.2.4 and 3.1.2.5.
- 82 For these reasons, I consider the proposal is in accordance with, and is not contrary to, the objectives and policies of the ODP.

## **Proposed Timaru District Plan**

### *District Wide Matters - Strategic Directions*

- 85 The Reporting Officer assesses the application against Strategic Directions SD-O1 and SD-O6 which relate to residential areas and activities and business areas and activities respectively. These objectives focus on high level strategic direction and are not particularly relevant to the establishment of a single development on a particular site. Nevertheless, I am of the opinion that the proposal does not eliminate the ability for residential development to be established at this property, should it be rezoned under the PDP. And secondly, the scale of this activity is so small that there is no possibility that it could detract from the role and function of the City Centre and Town Centre zones.

### *GRZ – General Residential Zone*

- 86 GRZ-O1, GRZ-P2, GRZ-P4 and GRZ-P5 are relevant to this proposal. I agree that the proposed use does not support the wellbeing of residents in the area, or have a functional need to locate in the zone, as required by GRZ-P4. However, GRZ-P2 is an enabling policy, which recognises the requirement for some non-residential activities. I disagree that the proposal is incompatible or inconsistent with the character, qualities and purpose of the General Residential Zone.
- 87 As mentioned previously, the site could accommodate residential uses in combination with the proposed activity. The proposed activity does not detract from the amenity values of adjoining sites arising from the movement of people and vehicles that cannot be mitigated. And as such, I consider it to be generally consistent with these objectives and policies.

### *Plan Weighting*

- 85 I agree with the Reporting Officers assessment of the plan weighting specifically noting that this application was lodged prior to the PDP being notified, and that no submissions have yet been heard and the proposed rules, objectives and policies have been scrutinised or tested.

## **GATEWAY TEST (s104D)**

- 86 In my opinion, and for the reasons set out above, I consider that the proposal meets both threshold tests of section 104D of the Act, such that the effects will be no more than minor, and it is not contrary to the relevant objectives and policies of the ODP.

## **PART 2 OF THE ACT**

- 87 I agree with the Reporting Officers review of Part 2 of the Act as it relates to this proposal, specifically noting that the ODP is being relied upon for the assessment of this applications.

## **CONCLUSION**

- 88 In my view the effects of the proposal are acceptable, and the proposal is consistent with the Commercial 3 Zone and the receiving environment. I therefore support the proposal and am of the opinion that consent should be granted.
- 89 I have prepared a suite of conditions for the consent, if granted. The conditions are intentionally draft in recognition that there may be issues raised before or during the hearing that may require the conditions to be amended.

Dated 29 September 2023

A handwritten signature in blue ink, appearing to read "Gemma Conlon-Geddes". The signature is written in a cursive style with a prominent initial 'G'.

---

Gemma Conlon-Geddes



## **DRAFT CONDITIONS – 102.2021.15.1**

### General

1. The development shall proceed in general accordance with the information submitted for the application (Council reference 102.2021.15.1) including:
  - The Activity Management Planand the Council approved plans dated X.

### Operational Conditions

2. The consent holder shall ensure the roofing business is undertaken with the approved Activity Management Plan, prepared by Perspective Consulting Limited, and the following conditions of consent.
3. No other industrial or commercial activity shall operate from the site while this resource consent is being implemented.
4. The maximum persons on-site in association with the activity shall be 12 persons at any time.
5. The consent holder shall ensure that no heavy goods vehicles are to service the authorised activity.
6. All operational activities, including deliveries, shall be undertaken within the boundaries of the subject site.

### Review

7. Within six months of the date of this decision; and/or upon the receipt of information identifying non-compliance with the conditions of this consent, and/or within ten working days of each anniversary of the date of this decision, the Council may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the consent holder of its intention to review the conditions of this resource consent for any of the following purposes:
  - a. To deal with any adverse effects on the environment that may arise from the exercise of the consent which were not foreseen at the time the application was considered and which it is appropriate to deal with at a later stage.
  - b. To deal with any adverse effects on the environment which may arise from the exercise of the consent and which could not be properly assessed at the time the application was considered.
  - c. To avoid, remedy and mitigate any adverse effects on the environment which may arise from the exercise of the consent and which have been caused by a change in circumstances or which may be more appropriately addressed as a result of a change in circumstances, such that the conditions of this resource consent are no longer appropriate in terms of the purpose of the Resource Management Act 1991.

- d. The purpose of this review is in relation to effects on any person in relation to nuisance (including but not limited to noise and rubbish/recycling).
8. As part of the review clause stated in Condition 6 of this consent, the Council may have the Activity Management Plan audited at the consent holder's expense.

## **APPENDIX 1 – TYPICAL VEHICLES**



Figure 1: Typical work truck used (Ute)



Figure 2: Typical open back truck used (Class 1 Vehicle)



*Figure 3: Typical trailer used for the transport of materials*



## **APPENDIX 2 – ACTIVITY MANAGEMENT PLAN**

### Edwards and Hardy Southern – Activity Management Plan – 19-27 Cornwall Street, Timaru

#### 1. Purpose

The purpose of this Activity Management Plan ('AMP') is to provide a foundation for avoiding adverse effects resulting from the use of 19-27 Cornwall Street for a roof maintenance company, with ancillary office. This AMP also contains procedures designed to assist in achieving compliance with the relevant noise standards of the District Plan (Part D3 – Commercial Zones, Performance Standard 5.12):

*Noise levels from any activity shall not exceed the following unless specific noise levels are provided for the activity elsewhere in the Plan:*

*50 dBA  $L_{10}$  at the nearest Residential 1 Zone boundary between 7.00am and 10.00pm on any day, and 40 dBA  $L_{10}$  and 70 dBA  $L_{max}$  at all other times; and*

*55 dBA  $L_{10}$  at the nearest Residential 2, Residential 4, or Rural Zone boundary, between 7.00am and 10.00pm on any day, and 45 dBA  $L_{10}$  and 75 dBA  $L_{max}$  at all other times.*

#### 2. Manager Details

The current Regional Manager of the activity is Tim Sheehan. Tim can be contacted as follows:

Name: Tim Sheehan

Address for Service: 3/54 Greywache Road, Harewood, Christchurch 8051

Phone: (03) 342 5647

Email: [Tim.Sheehan@roofguard.co.nz](mailto:Tim.Sheehan@roofguard.co.nz)

#### 3. Nature of Activity & Management Procedures

The nature of the activity is the storage of roofing materials on the site and ancillary office administration.

There is to be no panel beating, spray painting, motor vehicle repair or dismantling, fibre glassing, sheet metal work, bottle or scrap storage, or motor body building undertaken on the site.

##### 3.1 Hours of Operation

Hours of Operation for the activity are to be limited to between 7.00am – 6.00pm, Monday to Friday.

Use of the office on the site is not restricted to the above hours provided any associated noise is maintained at background levels. There will be no forklift use or loading of vehicles prior to 7.30am.

##### 3.2 Access & Gates

The Cornwall Street entry gates shall remain closed at all times unless a vehicle is entering or exiting the site.

The gates shall be opened prior to a vehicle arriving/leaving, and closed after a vehicle has arrived/left.

##### 3.3 Number and Type of Vehicles



There shall be a maximum of 10 vehicles stored at the property at any one time.

There shall be no Class 1 heavy vehicles stored on the site as part of the activity.

All vehicles shall be maintained in good mechanical condition (using off-site service providers) to ensure the minimisation of noise and emissions.

### **3.4 Deliveries and Pickups**

Customers are not to visit the site to collect materials.

### **3.5 Operation of Vehicles**

At all times vehicles are to be operated in a manner that will minimise engine running time. Vehicles that would otherwise be idling for greater than 60 seconds must be shut down to prevent unnecessary noise.

Vehicles are to be operated in a manner that will minimise engine revving and minimise headlight use.

### **3.6 Maintenance of Access**

The vehicle crossing and internal accessway are to be maintained in good condition. This may require the renewal and re-compaction of material from time to time.

The activity shall be carefully monitored for signs of dirt/mud/other material being tracked out of the site onto the adjoining roads. Should this occur, the internal yard shall be upgraded to ensure the avoidance of this.

## **4. Complaint Procedures**

Should a complaint be received in relation to the activity on the site, including from the Council or its Monitoring/Enforcement Officer, neighbours, or any other party, the manager of the activity shall take the following steps:

- Take written note of the complaint.
- Investigate the complaint.
- Decide on any actions, if necessary, that need to be taken to prevent further complaints of the same nature.
- Review this Management Plan to ensure the specified mitigation methods remain the best practice to avoid future complaints.
- Respond to the complainant and advise them of the outcome of the above processes.

## **5. Review of Management Plan**

This AMP shall be reviewed on an annual basis to ensure the specified objectives and methods to ensure the minimisation of noise and other adverse effects remain best-practice.

Should any changes to this AMP result from the review process, the amended plan shall be submitted to the Council's Monitoring/Enforcement Officer for certification.

As part of this annual review, a letter drop shall be undertaken to all neighbouring property owners – identified by a red ✓ in Figure 1 below. This letter shall advise each neighbouring unit owner of the contact details of the current manager of the activity and invite neighbours to contact this manager should they have any questions or complaints.

# Perspective

Planning Consultants



Figure 1: Neighbours to receive annual letter

**APPENDIX 3 – COUNCIL’S DRAFT CONDITIONS**

Draft Conditions – 19, 23, 25 & 27 Cornwell Street (Consent Number 102.2021.15.1)

General

1. The development shall be carried out in accordance with the application (102.2021.15.1) and site plan as approved on \_\_ February 2021, except where modified by conditions of this consent.
- ✓ 2. The site shall be used only as part of the roofing business and for storage of materials associated with the business, and not for any other business activities.
- ✓ 3. The existing building on 19 Cornwall Street shall be used as an office for the proposed roofing business.
- ✓ 4. The existing building on 23 Cornwall Street shall be removed.
5. The consent holder shall only have 1 container on the site. This container shall be set back a minimum of 4 metres from the property's side boundaries and shall be painted a natural colour. *may need moving & painting*
6. The storage racks shall be a maximum height of 1.8 metres and shall be a set back at a minimum of 3 metres from the property's side boundaries. *to be checked.*

Noise

- ✓ 7. Noise generated from activities on the site, when measured at any point of the residential boundary shall not exceed the following levels:  
✓

7am to 10pm	50 dBA L <sub>Aeq</sub> "15 minutes"
At all other times	40 dBA L <sub>Aeq</sub> "15 minutes"
	70 dBA L <sub>AFmax</sub>

Lighting

- ✓ 8. All outdoor lighting shall be fully shielded and directed downwards to minimize horizontal light spill.
- ✓ 9. No light spill exceeding 5 Lux measured in the horizontal or vertical plane shall fall on any adjoining residential property.

Hours of Operation

- ✓ 10. The office and storage yard is shall not operate outside the hours 8am to 5pm Monday to Friday.

Number of People Working on Site

- ✓ 11. The number of people working on site shall be limited to three.

*Staff* ↓ *come onsite to get gear for a job then leave.*

### Land Transport

- ✓ 12. Prior to the commencement of the activity, the site shall be provided with a new light commercial vehicle crossing (Council Standard Drawing G-203) constructed in accordance with an approved service consent.
- ✓ 13. Prior to the commencement of the activity, the first 6 metres, for the width of the access, inside the property boundary from the vehicle crossing shall be formed and seal to reduce sediment and material tracking from the site into the road reserve.
- ✓ 14. Only class one vehicles and trailers are able to be parked on the site.
- ✓ 15. No vehicles over class two shall be permitted on the site.
- ✓ 16. Vehicles delivering materials to the subject site shall do so within the hours of 8am to 5pm Monday to Friday.

### Fence

- ✓ 17. The rear and side boundaries of the building where goods are stored shall be screened by a solid fence of not less than 2 metres in height capable of obscuring the view of the stored goods.

### Stormwater

- ✓ 18. Prior to the commencement of the activity, a new stormwater connection to Council's Kerb and Channel shall be designed and constructed in accordance with an approved service consent.
- 19. Stormwater generated by the activity shall be captured on site, attenuated to a 1 in 10 year 24 hour rainfall event (105 mm) and treated for hydrocarbons, sediment and heavy metals prior to discharging to Council's Kerb and Channel. *- to check.*

✓ Note: A slot drain across the vehicle access is recommended to prevent sediment laden runoff discharging across the footpath.

**APPENDIX 4 – EMAIL DATED 16 NOVEMBER 2022**

## Gemma Conlon - Perspective Consulting

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**From:** Gemma Conlon - Perspective Consulting  
**Sent:** Wednesday, 16 November 2022 11:51 AM  
**To:** Alex Wakefield  
**Subject:** 102.2021.15.1 - 19-27 Cornwall Street - Notification Decision

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Hi Alex,

Thanks for your time on the phone. As discussed the applicant is taken aback with the notification decision made by Council on 7 October 2022. In the first instance, there was no communication from Council or opportunity to discuss any matters of concern prior to the notification decision being made. This was irrespective of emails being sent to the processing planner asking to engage throughout the process. As you know, once the notification decision is made, there is little option but to proceed with notification or withdraw consent. The applicant is very reluctant to do either as they have incurred significant costs upgrading the site to date. The upgrades are permitted works such as upgrading the vehicle crossing, putting a new roof and guttering on the building, erecting new fencing around the perimeter of the site, laying down a foundation pad, and landscaping.

As you are aware, this consent was originally lodged in January 2021. Draft conditions were sent through to the applicant on 25 February 2021, upon receipt of which the applicant began to undertake those works, as outlined above. The applicant has therefore undertaken these works following guidance and direction from Council that this would be required in order for them to obtain consent, and secondly, that consent would be forthcoming.

It is noted that the above occurred under the guidance of previous employees of council. However, now that all of the processing planners who were involved in the application have left, the applicant faces more uncertainty with the future processing of the application. They are left in a position of having little faith in the process, while facing an uncertain outcome and escalating costs.

During our phone conversation I sought your opinion on whether council would support a fresh application that addresses the matters of concern raised in the notification decision. Your initial response was no, that you support the decision made. On this basis I would like to outline various comments and assertions made in the notification report which are, in my opinion, incorrect or inaccurate and which could have an influence on your decision with how to proceed. Firstly, I would like to draw your attention to the section 95 Notification Report, which asserts that, when applying the permitted baseline, the vehicle movements and earthworks could conceivably occur. The report then goes on to state that the following, which are associated with the proposal, are not anticipated in the Commercial 3 Zone:

- a. the storage of roofing material,
- b. a shipping container,
- c. a forklift,

- d. a gravel laydown area,
- e. service and delivery vehicles,
- f. staff parking within the parking bay and
- g. black security fencing encapsulating the site.

In relation to point a., the storage of material is permitted in the Commercial 3 Zone, and this could occur in relation to any permitted activity. The only requirement is that a fence is erected to screen the storage of materials from adjoining sites and the fence not be less than 2m in height. The applicant undertook to erect fencing to screen the storage of materials, as per Performance Standard 5.7 and as sought by draft condition no. 17 which stated,

*17. The rear and side boundaries of the building where goods are stored shall be screened by a solid fence of not less than 2 metres in height capable of obscuring the view of the stored goods.*

The applicant has agreed to remove the shipping container from the site should its proposed relocated position create any adverse effects, although it is noted that later in the notification report that the proposed new location would be acceptable. In relation to point c., a forklift could be used for the movement of any materials associated with any permitted activity. A gravel laydown area could be provided on any site as a permitted activity, including for a residential unit, I'm thinking of a driveway here. Thus countering point d. Likewise, service and delivery vehicles outlined in point e. would be required in association with any of the permitted activities, excepting residential. Staff parking within a parking bay is something that could occur in relation to any activity. And lastly, point g. which relates to 'security fencing' has been addressed previously. In summary, all activities associated with those proposed are permitted within the zone and any associated adverse effect does not increase as a result of this activity.

The notification report includes an entire paragraph under the heading 'Unconsented Work'. This lists some of the upgrade works undertaken (again following guidance from Council's draft conditions). The Applicant disputes that this work is 'unconsented', as there is no work undertaken that requires resource or building consent. The Applicant obtained a services consent in relation to water services to the site. All other work is permitted. Please provide details if this is not the case.

In relation to the section of the notification report entitled 'Effects on the Environment' it is stated that,

*'...for security and safety reasons a solid colorsteel fence with a gated access has been constructed along the length of the road boundary. This containment is further extenuated by proposed hedging on the raised platform above the footpath intended to screen industrial elements on the site. For these reasons it is considered that the industrial nature of the proposed activity will be obvious when viewed in the surrounding environment and will detract from the character of the residential environment.'*

The Applicant did not erect the fence for security reasons, they erected it to provide screening into the site, in order to comply as a permitted activity. The fencing, as shown in the photograph below, is comparable to everyday residential fencing, being a new and attractive Colorsteel material. There is no retaining wall along the boundary. There is a bottom timber board. The planting proposed was offered to soften the views into the site and provide some additional screening. Again, this could occur as a permitted activity and is reflective of the boundary treatments around many residential properties. Although I am not aware of this high level of fencing and planting being provided in other commercial 3 zones.





It is further stated that, *'...the subject site is located within the context of a residential environment and acts as a commercial centre providing for a range of commercial activities ancillary to surrounding residential activities while also providing the flexibility for residential development to occur'*. This is not the case. The site was rundown and vacant. The proposed reuse of the site provides an opportunity to cater for a new commercial use, with the site redeveloped and modernised as a result.

In the notification report the reporting planner mentions a complaint being received by a number of neighbours in respect to the following:

- The location of the shipping container;
- Staff arriving in the morning disturbing residents;
- Vehicles being operated in an unsafe/inconsiderate manner;

- Nails and screws being found on the road outside of the site; and
- Delivery vehicles driving onto the footpath and berm.

With all due respect, these are all matters that can and were addressed in the Activity Management Plan (AMP) and, many of which could occur in association with any of the activities permitted at the site. Additionally, they are matters which affect neighbouring properties, not the wider public.

Lastly, the matter of noise disturbance is mentioned as potentially creating affects '*...for residents not anticipated in a residential environment*'. Again, this could be managed through the submitted AMP and is a localised matter.

Based on the foregoing, I respectfully request you reconsider my suggestion that the application being withdrawn and a new application be submitted which addresses any outlying concerns with the proposed activity.

Given the lengthy period it has taken for the notification decision to be made, and the anxiety and uncertainty this has caused the applicant, it is requested that a reply to this request is issued within five working days of this email.

Best regards  
Gemma

## Perspective

**Gemma Conlon**  
Director  
021 237 4038  
gemma@perspective.net.nz

**Perspective Consulting**  
15 Church Street  
Timaru 7940  
perspective.net.nz

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**APPENDIX 5 – EMAIL DATED 17 MARCH 2023**

## Gemma Conlon - Perspective Consulting

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**From:** Gemma Conlon - Perspective Consulting  
**Sent:** Monday, 25 September 2023 11:47 AM  
**To:** Gemma Conlon - Perspective Consulting  
**Subject:** Appendix 3  
**Attachments:** 102.2021.15.1 - Invoice for Notication Fee (NOT PAID) - Use Site to Run Roofing Company Out Of 19 Cornwall Street Timaru K Blackman.PDF

**Importance:** High

---

**From:** Alex Wakefield <alex.wakefield@timdc.govt.nz>  
**Sent:** Friday, March 17, 2023 4:34 PM  
**To:** Gemma Conlon - Perspective Consulting <gemma@perspective.net.nz>  
**Cc:** Vishal Chandra <vishal@vurbs.co.nz>; Lisa Sparks <Lisa.Sparks@timdc.govt.nz>  
**Subject:** 101.2021.15.1 - 19-27 Cornwall Street, Timaru - Notification Position - Confirmation that Notification Decision stands  
**Importance:** High

Hi Gemma

This email is to confirm that, as requested by yourself, I have had the notification decision reviewed by Vishal Chandra who has provided the below summary of his findings.

This accords with my own view that the application proceed notified.

I kindly request that your client proceeds to pay the deposit fee so that the application be notified and submission period started.

I do look forward to a response from you within the coming days.

Kind regards,  
Alex



**Alex Wakefield** | Team Leader Consents and Compliance

Timaru District Council | PO Box 522 | Timaru 7940  
P: +64 3 687 7594 | Cell: +64 27 291 4174 | W: [www.timaru.govt.nz](http://www.timaru.govt.nz)

**From:** Vishal Chandra <[vishal@vurbs.co.nz](mailto:vishal@vurbs.co.nz)>  
**Sent:** Wednesday, 15 March 2023 4:46 pm  
**To:** Alex Wakefield <[alex.wakefield@timdc.govt.nz](mailto:alex.wakefield@timdc.govt.nz)>  
**Subject:** 101.2021.15.1 - 19-27 Cornwall Street, Timaru - Notification Position

Kia ora Alex,

Thanks for the conversation on this again and here is a summary of our conversation a little while ago, where I supported the decision to publicly notify this application, and consider the contents of the decision made to be sound.

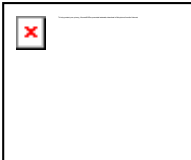
In particular,

- I view the commercial zone to cater for localised conveniences instead of the activity proposed.
- I agree that the proposal is of an industrial nature as outlined by the reporting planner - an associated operational effect to compromise the residential amenity of the surrounding environment.

Although the assessment is light, the key points are included, and we can extend on this for the substantive decision report or hearing report, if one is required including the traffic aspects or larger vehicle movements through a residential area.

Nga mihi,

Vishal Chandra  
Planning Consultant and Independent Hearings Commissioner, vUrbs Planning Services Limited  
W: +64 27 886 4181 E: [vishal@vurbs.co.nz](mailto:vishal@vurbs.co.nz)



Let's maintain patience, be kind and stay safe – we are all in it together.

**APPENDIX 6 – EMAIL DATED 16 JUNE 2023**

## Gemma Conlon - Perspective Consulting

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**From:** Gemma Conlon - Perspective Consulting  
**Sent:** Friday, 16 June 2023 4:21 PM  
**To:** Alex Wakefield  
**Cc:** vishal chandra  
**Subject:** 102.2021.15 - 19 to 27 Cornwall Street - Proposed Next Steps  
**Attachments:** Letter to Council Post-Notification.pdf; Affected Party Approvals.pdf

Hi Alex and Vishal,  
Please find letter attached outlining the proposed next steps following the close of submissions on this application.

Best regards  
Gemma

## Perspective

**Gemma  
Conlon** 021 237 4038  
Director gemma@perspective.net.nz

**Perspective  
Consulting** 15 Church Street  
Timaru 7940  
perspective.net.nz

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16 June 2023

Alex Wakefield  
Team Leader Consents and Compliance  
Timaru District Council

By email: [alex.wakefield@timdc.govt.nz](mailto:alex.wakefield@timdc.govt.nz)

Dear Alex,

## **RESOURCE CONSENT 102.2021.15 – PRE-HEARING MEETING - 19 TO 27 CORNWALL STREET, TIMARU**

We are writing in relation to resource consent 102.2021.15. The application has been publicly notified, with submissions closing on 13 June 2023. We are aware of two submissions being made on the application, those being from:

1. Philip G Wade, 22 Cornwall Street; and
2. Alister & Sara Chambers, 26 Cornwall Street

The resource management issues raised in these submissions relate to out of zone activities, vehicle movements, complaints procedures and the effect on property values.

### **1.0 AMENDMENTS TO APPLICATION**

The application as notified and the s95 Notification Report were based on the information provided with the original application. Following the application being lodged, and prior to the application being publicly notified, the Applicants undertook some consultation with the neighbours and amended the application as follows:

- a. The applicant agreed to remove the shipping container from the site. The shipping container has since been removed from the site.
- b. Provided clarity on the permitted activities that have been undertaken at the property, including:
  - i. The storage of material
  - ii. The erection of a boundary fence
  - iii. The upgrades to the existing building
  - iv. Planting within and around the perimeter of the site
- c. The use of smaller delivery vehicles to the site.

It is our understanding that these changes were never conveyed to the neighbours or referred to in the Planning Officer's notification report.

### **2.0 AFFECTED PARTY APPROVALS**

The Applicant has obtained affected party approval from the following persons:



- a. Grant Faith, 17 Cornwall Street
- b. Martin Heremaia, 5 Somerset Street
- c. Manorma Marsden, 2 Gloucester Street
- d. Michael & Carmel Harrington, 18 Cornwall Street
- e. Sam Hopkins, 28 Cornwall Street
- f. Aaron Daois, 29 Cornwall Street
- g. Philip & Melanie Westerby, 30 Cornwall Street
- h. Murphy Ihe, 11 Cornwall Street



*Figure 1: Subject property shaded blue; Property owner/occupiers who have provided their written approval shaded yellow; Submissions received from property owners/occupiers outlined red.*

The affected party approvals are attached as **Appendix 1** to this letter.

## 2.0 PRE-HEARING MEETING

Bearing in mind the general support for this application and the activity from the community, and the amendments made to the application and operation of the site since lodged, it is requested that Council consider holding a pre-hearing meeting under s99(2) Resource Management Act 1991 (RMA) with the Applicant and the two submitters. The purpose of the meeting would be to facilitate a resolution of the matters raised in the submissions (s99(2)(b)(ii) RMA).

## 3.0 TIMEFRAMES

Following the pre-hearing meeting, if a hearing is to proceed, the hearing must be completed no later than 75 working days after the closing date for submissions on the application. As the closing date for submissions was 13 June 2023, the hearing must be completed by 26 September 2023.

As you are aware, both the Consultant Planner engaged to make a recommendation on behalf of Council and I are away for the period from 28 June to 31 July 2023, significantly reducing the period during which reports can be completed and circulated.

It is therefore requested that the pre-hearing meeting be held prior to 28 June 2023. The Applicant suggests Tuesday 27 June for this meeting.

It would be greatly appreciated if you could consider and agree to this request without further delay.

Kind regards,  
**Perspective Consulting**



**Gemma Conlon**  
Director  
mobile: 021 237 4038  
email: [gemma@perspective.net.nz](mailto:gemma@perspective.net.nz) | web: [perspective.net.nz](http://perspective.net.nz)

## Gemma Conlon - Perspective Consulting

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**From:** Vishal Chandra <[vishal@vurbs.co.nz](mailto:vishal@vurbs.co.nz)>  
**Sent:** Wednesday, 2 August 2023 12:14 PM  
**To:** Gemma Conlon - Perspective Consulting  
**Subject:** Re: 102.2021.15 - 19 to 27 Cornwall Street - Proposed Next Steps

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Kia ora Gemma

I am looking at hearing dates for next month and would like to know if you have any absences?

At present I am in conversation with the council experts on their respective final positions and conditions for a decision.

In relation to the request for a pre hearing meeting, this is not supported given the nature of the submissions received and areas of content raised that can be addressed through our reporting and a hearing.

Nga mihi kind regards,

Vishal Chandra  
Planning Consultant, vUrbs Planning Services Limited  
M + 64 27 886 4181

On Tue, Jul 25, 2023 at 3:45 PM Gemma Conlon - Perspective Consulting <[gemma@perspective.net.nz](mailto:gemma@perspective.net.nz)> wrote:

Hi Vishal,

The correspondence referred to in section 1.0 should have already been supplied to you by Council – or sought from council - as I believe you undertook an overview of the notification decision? However, if you have not been furnished with this by council, I have attached the correspondence now.

Can you please advise whether a pre-hearing meeting will be instigated, as requested in the correspondence sent on 16 June 2023? A timely reply to this email is requested given the delays incurred by the applicant.

Many thanks,

Gemma

# Perspective

**Gemma Conlon** 021 237 4038

[gemma@perspective.net.nz](mailto:gemma@perspective.net.nz)

Director

**Perspective** 15 Church Street  
Timaru 7940

**Consulting** [perspective.net.nz](http://perspective.net.nz)

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**From:** Vishal Chandra <[vishal@vurbs.co.nz](mailto:vishal@vurbs.co.nz)>

**Sent:** Tuesday, June 27, 2023 8:12 AM

**To:** Gemma Conlon - Perspective Consulting <[gemma@perspective.net.nz](mailto:gemma@perspective.net.nz)>

**Subject:** Re: 102.2021.15 - 19 to 27 Cornwall Street - Proposed Next Steps

Morena Gemma

Apologies for responding now, I had been away from the office, unexpectedly.

Can you please confirm if there are additional documents to be supplied, in relation to the amendments to the application?

## **1.0 AMENDMENTS TO APPLICATION**

The application as notified and the s95 Notification Report were based on the information provided with the original application. Following the application being lodged, and prior to the application being publicly notified, the Applicants undertook some consultation with the neighbours and amended the application as follows:

- a. The applicant agreed to remove the shipping container from the site. The shipping container has since been removed from the site.
- b. Provided clarity on the permitted activities that have been undertaken at the property, including:
  - i. The storage of material
  - ii. The erection of a boundary fence
  - iii. The upgrades to the existing building
  - iv. Planting within and around the perimeter of the site
- c. The use of smaller delivery vehicles to the site.

It is our understanding that these changes were never conveyed to the neighbours or referred to in the Planning Officer's notification report.

Nga mihi kind regards,

Vishal Chandra

Planning Consultant, vUrbs Planning Services Limited

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On Fri, Jun 16, 2023 at 4:21 PM Gemma Conlon - Perspective Consulting <[gemma@perspective.net.nz](mailto:gemma@perspective.net.nz)> wrote:

Hi Alex and Vishal,

Please find letter attached outlining the proposed next steps following the close of submissions on this application.

Best regards

Gemma

# Perspective

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[gemma@perspective.net.nz](mailto:gemma@perspective.net.nz)

Director

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